

20A-11-104 Personal use expenditure -- Authorized and prohibited uses of campaign funds -- Enforcement -- Penalties.

- (1)
- (a) As used in this chapter, "personal use expenditure" means an expenditure that:
 - (i)
 - (A) is not excluded from the definition of personal use expenditure by Subsection (2); and
 - (B) primarily furthers a personal interest of a candidate or officeholder or a candidate's or officeholder's family, which interest is not connected with the performance of an activity as a candidate or an activity or duty of an officeholder; or
 - (ii) would cause the candidate or officeholder to recognize the expenditure as taxable income under federal law.
 - (b) "Personal use expenditure" includes:
 - (i) a mortgage, rent, utility, or vehicle payment;
 - (ii) a household food item or supply;
 - (iii) clothing, except for clothing:
 - (A) bearing the candidate's name or campaign slogan or logo; and
 - (B) used in the candidate's campaign;
 - (iv) an admission to a sporting, artistic, or recreational event or other form of entertainment;
 - (v) dues, fees, or gratuities at a country club, health club, or recreational facility;
 - (vi) a salary payment made to:
 - (A) a candidate or officeholder; or
 - (B) a person who has not provided a bona fide service to a candidate or officeholder;
 - (vii) a vacation;
 - (viii) a vehicle expense;
 - (ix) a meal expense;
 - (x) a travel expense;
 - (xi) a payment of an administrative, civil, or criminal penalty;
 - (xii) a satisfaction of a personal debt;
 - (xiii) a personal service, including the service of an attorney, accountant, physician, or other professional person;
 - (xiv) a membership fee for a professional or service organization; and
 - (xv) a payment in excess of the fair market value of the item or service purchased.
- (2) As used in this chapter, "personal use expenditure" does not mean an expenditure made:
- (a) for a political purpose;
 - (b) for candidacy for public office;
 - (c) to fulfill a duty or activity of an officeholder;
 - (d) for a donation to a registered political party;
 - (e) for a contribution to another candidate's campaign account, including sponsorship of or attendance at an event, the primary purpose of which is to solicit a contribution for another candidate's campaign account;
 - (f) to return all or a portion of a contribution to a contributor;
 - (g) for the following items, if made in connection with the candidacy for public office or an activity or duty of an officeholder:
 - (i)
 - (A) a mileage allowance at the rate established by the Division of Finance under Section 63A-3-107; or
 - (B) for motor fuel or special fuel, as defined in Section 59-13-102;
 - (ii) a meal expense;

- (iii) a travel expense, including an expense incurred for airfare or a rental vehicle;
 - (iv) a payment for a service provided by an attorney or accountant;
 - (v) a tuition payment or registration fee for participation in a meeting or conference;
 - (vi) a gift;
 - (vii) a payment for the following items in connection with an office space:
 - (A) rent;
 - (B) utilities;
 - (C) a supply; or
 - (D) furnishing;
 - (viii) a booth at a meeting or event; or
 - (ix) educational material;
 - (h) to purchase or mail informational material, a survey, or a greeting card;
 - (i) for a donation to a charitable organization, as defined by Section 13-22-2, including admission to or sponsorship of an event, the primary purpose of which is charitable solicitation, as defined in Section 13-22-2;
 - (j) to repay a loan a candidate makes from the candidate's personal account to the candidate's campaign account;
 - (k) to pay membership dues to a national organization whose primary purpose is to address general public policy;
 - (l) for admission to or sponsorship of an event, the primary purpose of which is to promote the social, educational, or economic well-being of the state or the candidate's or officeholder's community; or
 - (m) for one or more guests of an officeholder or candidate to attend an event, meeting, or conference described in this Subsection (2).
- (3)
- (a) The lieutenant governor shall enforce this chapter prohibiting a personal use expenditure by:
 - (i) evaluating a financial statement to identify a personal use expenditure; and
 - (ii) commencing an informal adjudicative proceeding in accordance with Title 63G, Chapter 4, Administrative Procedures Act, if the lieutenant governor has probable cause to believe a candidate or officeholder has made a personal use expenditure.
 - (b) Following the proceeding, the lieutenant governor may issue a signed order requiring a candidate or officeholder who has made a personal use expenditure to:
 - (i) remit an administrative penalty of an amount equal to 50% of the personal use expenditure to the lieutenant governor; and
 - (ii) deposit the amount of the personal use expenditure in the campaign account from which the personal use expenditure was disbursed.
 - (c) The lieutenant governor shall deposit money received under Subsection (3)(b)(i) in the General Fund.

Amended by Chapter 320, 2013 General Session